



Agenda Item Number: 2006-6-10A

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: June 27, 2006

Department: Infrastructure Planning and Geo Resources
Staff Contact: Tim West, Deputy County Manager for Public Works
Steve Miller, Department Director
Raymond Orona, Right of Way Manager

TITLE: Albuquerque Bernalillo County Water Utility Authority (ABCWUA)
Franchise Agreement

ACTION: Motion to approve:

1. The Franchise Agreement between the Bernalillo County and the ABCWUA.
2. Administrative Resolution AR -2006 supporting the approval of the Franchise Agreement between the County of Bernalillo and the ABCWUA.

SUMMARY:

County staff recommends Board approval to grant a ten-year Franchise Agreement to the Albuquerque Bernalillo County Water Utility Authority for the prescribed use of County rights-of-ways. The agreement is pursuant to State Statute 72-1-10 which states; Whereas, the best interest of the public is served in providing for the appropriate management of water and wastewater services Countywide.

This Agreement will grant the ABCWUA use of County rights-of-ways in exchange for an annual fee of 4% of annual gross revenue from these services. The fee is estimated to contribute \$220,000 to County revenues per year from current hookups and usage within the unincorporated area. Revenues are expected to increase over time corresponding to serviceability area expansion. The ABCWUA agrees to maintain all current fire protection waterline connections at the main waterline including allowance for all required new fire protection connections, water for fire suppression at no cost to the County and maintenance of all fire hydrants to operable conditions.

ATTACHMENTS:

1. Franchise Agreement
2. Administrative Resolution AR -2006
3. State Statute 72-1-10

FISCAL IMPACT

Franchise Fees	BC01-421106-3000	\$220,000
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The fiscal impact to the County is an increase in revenues in the amount of \$220,000. This additional Revenue is included in the 06/07 and 07/08 Budget.

STAFF ANALYSIS SUMMARY

COUNTY MANAGER

County and ABCWUA staff have been working closely to develop this agreement in the best interest of both entities. I recommend Board approval. TL 6/22/2006

DEPUTY COUNTY MANAGER FOR PUBLIC WORKS

The Franchise Agreement provides an annual payment to Bernalillo County from the ABCWUA of approximately \$240,000 for the ABCWUA's use of the County's Right-of-Way in which the ABCWUA's infrastructure is located. The Agreement requires the ABCWUA to continue to obtain permits from the County when working in the County's Right-of-Way as it has done in the past. It also requires the ABCWUA to obtain easement(s) from the County for future location of new utility infrastructure. The Agreement was approved by the ABCWUA Board on June 21, 2006. I recommend the Board approve the Franchise Agreement. TW 6/22/06

LEGAL

Franchise Agreement negotiated between the Water Authority and the County contains applicable liability clauses. Approved as to form only. DSS, Legal 6/22/2006

FINANCE

Budget	There is no fiscal impact at this time. The increase in revenue of \$220,000 will be included in the 2007-2008 Biennial Budget. Amy Childers, Financial Services Administrator 5/31/06
Purchasing	No comment required. Lisa Sedillo-White, Purchasing Director 05/29/06
Contracts	A Contract Control Number will be issued upon execution of the Agreement by all applicable parties. Lisa Sedillo-White, Purchasing Director 05/29/06
Risk Management	The Authority hereby agrees to hold harmless, indemnify and defend the County, its officials, agents, and employees from and against all liability, suits, actions, claims, damages, attorney's fees and costs arising out of or resulting from Authority's and/or any of its subcontractor's employees', agents', or officers' conduct, performance, acts, errors or omissions relating in any manner whatsoever to this Agreement. MEB for David A. Baca, Risk Management Administrator 6/13/06